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Paper No. 4

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**COPY MAILED**

In re Application of

Stubblebine

Application No. 09/840,230

Filed: 24 April, 2001

Attorney Docket No. 2455-4230US3

JAN 08 2002

**OFFICE OF PETITIONS**

This is a decision on the petition filed on 5 October, 2001, under 37 C.F.R. §1.181 but more properly treated as a petition under 37 C.F.R. §1.53, requesting that Figure 1, as described in the specification, be accorded a filing date of 24 April, 2001.

The petition is **GRANTED**.<sup>1</sup>

The application was deposited on 24 April, 2001, and stated in the transmittal that enclosed therewith were, *inter alia*, 51 pages of specification, 1 page of abstract, 13 pages of claims and 21 sheets of formal drawings.

The Office mailed on 9 August, 2001, a "Notice of Omitted Items in a Nonprovisional Application" stating that a review of the record indicated that omitted from the filing was Figure 1 as described in the specification, and setting a two- (2-) month non-extendable period from the date of the mailing within which to respond.

Petitioner responded timely on 5 October, 2001, with the instant petition, a copy of the Office-stamped filing receipt card, a copy of document identified as Figure 1 Prior Art, the petition fee, and a copy of the Notice.

A review of the application papers reveals that prior to the instant petition the record contained 20 sheets of drawings, none of which is identified as Figure 1.

A review of the stamped receipt card (two copies: one stamped with the filing date of 24 April, 2001, and the other labeled with the Office bar code and application number) reflects Office receipt of documents, *inter alia*, "21 Sheets of Drawings (FIGS. 1-6)."

Because the return postcard receipt properly itemizes the contents of the application package in accordance with MPEP §503, the Office concludes that 21 sheets of drawings, including Figure 1,

<sup>1</sup> No petition fee was assessed upon filing; therefore, no refund/credit is due.

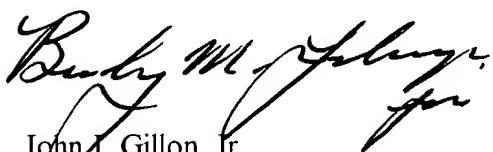
were filed on 24 April, 2001, and that the one sheet of drawings containing Figure 1 was subsequently misplaced in the Office.

Accordingly, the petition is **granted**.

The "Notice of Omitted Items" mailed on 9 August, 2001, is hereby withdrawn.

This application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of 24 April, 2001, using the twenty (20) sheets of drawings filed on 24 April, 2001, and the one sheet of drawings containing Figure 1 supplied on 5 October, 2001, with an indication on the PALM bib data sheet that 21 sheets of drawings were present on filing.

Telephone inquiries concerning this matter may be directed to John J. Gillon, Jr., Attorney, Office of Petitions, at (703)305-9199.



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